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Executive Director

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Southern District of New York
John J. Byrnes
Attorney-in-Charge

EX PARTE

VIA FACSIMILE

Honorable Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street, Room 1020
New York, NY 10007

RECEIVED
JAN 24 2008
HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

**Re: United States v. Jordan Desenberg
07 Cr. 401 (HB)**

Dear Judge Baer:

I write on behalf of my client, Jordan Desenberg, in furtherance of my ex parte request, by letters dated November 20 and 28, 2007, that the Court endorse an Order permitting a psychiatric examination of Mr. Desenberg to be conducted at the Metropolitan Detention Center. We seek the psychiatric examination as part of our preparation for our sentencing submission on Mr. Desenberg's behalf. Because it relates to defense strategy, we have not shared our request with the government.

Mr. Desenberg has entered a guilty plea and is scheduled to be sentenced by the Court on February 7, 2008. Mr. Desenberg pled guilty to a charge that carries a mandatory minimum sentence of five years. A Pimentel letter from the government calculated his sentencing guideline range at 135-168 months in prison.

At the time I made my initial request, I did not have the report generated by the social worker who interviewed Mr. Desenberg at the request of the probation department. I was informed by your Chambers that I should renew my request after I had received the social worker's report. I received his report yesterday and I now renew my request that the Court endorse the enclosed Order permitting Dr. A. Sasha Bardey and his assistant, Casey Walker, to conduct a psychological evaluation of Mr. Desenberg. My office has retained Dr. Bardey to conduct this evaluation because we believe it is necessary to effectively represent Mr. Desenberg at sentencing. Although Mr. Desenberg

was examined by a licensed clinical social worker at the request of the probation department, we feel that an evaluation by a doctor can provide additional information that may be critical to Mr. Desenberg's sentence.

Given the timing of the completion of the social worker's report, we are likely to need an additional adjournment of Mr. Desenberg's sentencing. Dr. Bardey is willing to work quickly to complete his examination of Mr. Desenberg. He can visit him at the MDC in Brooklyn next week and estimates that he will need three to four additional weeks to complete his assessment and conduct any follow-up examinations that may be necessary. Unfortunately, he will not be able to complete his work prior to the February 7 sentencing date. I apologize for the inconvenience to the Court, but the defense does not believe it will be prepared to effectively proceed with sentencing until Dr. Bardey has had a chance thoroughly to evaluate Mr. Desenberg. If the Court would prefer, I can submit a request for an adjournment in a separate letter after seeking the government's consent.

Thank you for your consideration of this matter.

Respectfully submitted,

Peggy M. Cross

Peggy M. Cross
Assistant Federal Defender
212-417-8732

*I have signed your
Proposed Order - and wonder if it
shouldn't indicate your client's willingness
to proceed w/o you - that's your order -
I am adjourning the sentencing to March 20, 08
at 10 AM*

SO ORDERED:

Harold Baer, Jr.
Harold Baer, Jr., U.S.D.J.

2/4/08

Endorsement:

I have signed your Proposed Order and wonder if it shouldn't indicate your client's willingness to proceed without you - but its your order - I am adjourning this sentencing to March 20, 2008 at 10 AM